

NATURAL RESOURCES BOARD
MINUTES

The regular meeting of the Natural Resources Board was held on Wednesday, February 27, 2002, in Room 027 of the State Natural Resources Building (GEF 2), Madison, Wisconsin. The meeting was called to order at 8:32 a.m. All February Board Agenda business was conducted by the Full Board.

PRESENT: Trygve A. Solberg, Chair
James E. Tiefenthaler, Vice Chair
Gerald W. O'Brien, Secretary
Herbert F. Behnke
Howard D. Poulson
Catherine Stepp
Stephen D. Willett

ORDER OF BUSINESS

1. Minutes to be approved.

1.A. Full Board Minutes of January 22-23, 2002.

Mr. O'Brien MOVED, seconded by Mr. Tiefenthaler, approval of the Full Board Minutes of January 22-23, 2002, as presented. The motion was carried unanimously by those members present.

1.B. Agenda for February 27, 2002.

Secretary Bazzell, asked that the following changes be made: Item 3.D.10. Retirement Resolution for David Morehouse be added. Item 6.B.2. Approval of feasibility study and environmental impact statement for the proposed Snow Bottom State Natural Area should read as approval of feasibility study and environmental assessment for the proposed Snow Bottom State Natural Area.

With those changes, Mr. Poulson MOVED, seconded by Mr. Tiefenthaler, approval of the agenda for February 27, 2002. The motion was carried unanimously by those members present.

2. Ratification of acts of the Department Secretary.

A. Real estate transactions.

Mr. Willett MOVED, seconded by Mr. O'Brien, approval of the real estate transactions, as printed. The motion was carried unanimously by those members present.

3. Committee of the Whole.

3.A. Citizen Participation.

Chairman Solberg announced that Mr. Dick Koerner would be moved from 6.B.3.10. to 3.A.5.

3.A.1. Louis Kowieski, West Allis, as liaison and a board member representing Great Lakes Sports Fishing Club in Milwaukee, spoke on the Great Lakes fishing rule. Mr. Kowieski referred to the earlier literature he sent to the Board Members regarding commercial fishing, particularly the 60 fathom rule. He stated that his club along with the federation supported most of this rule but there were portions they did not support and that was opening up of the winter period for the 45 fathom because, biologically speaking they could save an additional 1565 lakera by the Departments own data if the winter period is kept closed. He further stated they were not against any other part of the rule. Mr. Kowieski stated there were some strong feelings to keep it 65 fathom, if possible, south of Port Washington to the state line. He stated that one of the biggest objectives and goals for Lake Michigan was the smelt fishing. Mr. Kowieski presented the Board with the

Department's own data on the commercial smelt harvest going back 10 to 12 years. He stated they sent a Resolution in to the Conservation Congress within the last year and the biology has gotten worse. In 2000 the catch in Green Bay was 33,000 pounds, last year the catch in Green Bay was 12,000 pounds. He further stated that something needs to be done before they disappear. Mr. Kowieski stated they were putting faith in the Board to do something for the resource, the public trusts them to protect the resource. He passed out a handout on Wisconsin Online License Files State Approval Totals Report on trap nets. Mr. Kowieski stated that the Board absolutely cannot allow this to pass. That is the recreational pay day from that date forward into the calendar for recreational boating, and sail boating. This would help them for the safety of the public. He passed out a handout on the Conservation Patron License for review by the Board. He urged the Board to take a look at his handouts and make the right decisions. His other concern was with the condition of the hatcheries.

Discussion pursued regarding smelt fishing, what is being done regarding the smelt issue, the number of people fishing for smelt, and areas of fishing for smelt.

Mike Staggs, Fisheries Management and Habitat Protection Bureau Director. We would agree on the conditions of the hatcheries being a high priority. The smelt fishermen contend they are not responsible for the decline, we agree. It is a lake wide decline, there is very little harvest anywhere except in limited areas here in Wisconsin. We did adjust the quota downward to a number that is commensurate with the proportional decline in the population and they are still not able to catch that. Whether we close the season or not isn't going to have any affect on the smelt population. We aren't planning on recommending any changes to my knowledge. One of the things that we have been doing was coming to the Board every year and giving an update on the Lake Michigan and Lake Superior commercial fishing issues, allowing the Board to hear from the representatives of the Lake Superior and Lake Michigan Fishing Boards. That is the time in which we would announce that and we did not do that last year because the schedule was tight. We should do that again this spring. We could let the Board know all the things that we are proposing to do. Right now we do not have an active proposal on changing the smelt quotas. We are not planning to advance a proposal after the June 28 fishing season. We feel, closing the season early will not bring back the smelt because fishermen aren't catching very much. It isn't the commercial fishing. We don't believe it is going to make a difference whether that fishery is open or closed. It is not something that we think is a priority, closing the smelt fishery.

3.A.2. Mike McFadzen, Plymouth, representing Wisconsin State Trails Council and Wisconsin Nordic Network (WINN), spoke in opposition to the December firearm deer hunt. He stated that the Trails Council and WINN do not oppose deer hunting or deer herd management, that many of the snowmobilers, cross-country skiers, and other trail users participate in hunting. He further stated they object to any firearm deer hunt season after the traditional Thanksgiving season. Many hunters and hunter organizations are opposed to the multiple fragmented firearm seasons that are contained in the new proposed deer hunt rule, dispute the current deer herd estimates. Mr. McFadzen stated that December is one of the three key months that winter enthusiasts can count on being able to get into the state's forest and trails to recreate. He stated the Board should also consider hunt free zones in state parks and trails during firearm deer hunting so Wisconsinites can recreate without fear. Besides the impact on winter tourism and recreation, there are significant economic costs to consider. He further stated that it is important for the Board to recognize that winter tourism and recreation is a growth industry in Wisconsin when properly supported. Mr. McFadzen stated that if additional hunts are necessary, they should be scheduled prior to the annual firearm deer hunt in early November when tourist use of state and national forests and parks are at its lowest. In conclusion, Mr. McFadzen mentioned the council and WINN fully supports reasonable, multiple-use of the lands. Deer hunters and winter enthusiasts will both come out ahead if additional deer hunts are scheduled prior to the traditional firearm season. To decide any differently negatively impacts the economics of winter tourism.

3.A.3. Greg Kazmierski, Waukesha, representing the Wisconsin Deer Hunters Coalition, spoke on deer T zones and deer numbers. Mr. Kazmierski stated that everyone knows of the controversy of the deer hunt season last fall and can predict that it might even be worse this year. He stated the primary reason that he was before the Board was to ask that, until they get the independent audit that is being called for by the Conservation Congress and the results of this next coming season, the Board consider putting a moratorium on any of the special T zone hunts. Which would also include the late hunt and the early hunt. Mr. Kazmierski reviewed the history of T zones in unit 71 and 61 and why T zones weren't working in those units. He stated that we need to come up with a season structure that is agreeable to the hunting community so that we could get the job of deer management done. Mr. Kazmierski stated that the formula now being used is a difficult formula based upon the fact there are two doe for every buck in the deer herd. This was based on how we harvested deer back in the 1960's when that formula was created. He further reviewed the formula and indicated what was wrong with it. Mr. Kazmierski urged the Board to put a moratorium on the special T zone hunts this year.

Discussion pursued regarding deer kill numbers, discrepancies in population estimates, antlerless only season in T zone areas and having a regular deer hunt season, 16-day season proposal which would include an antlerless only additional seven days to the hunt, earn-a-buck, private landowners opening their land, and educating landowners on proper stewardship of their deer herd.

- 3.A.4. Kevin Dustin, Black Earth, representing himself, speaking on T zones, was scheduled to speak but did not show for his presentation.
- 3.A.5. Dick Koerner, Neenah, representing the Wisconsin Conservation Congress Migratory Committee, spoke supporting Wisconsin DNR proposed plan to remove free flying mute swan from the state to protect the native species of swans. The mute swan is not native and, like all exotics and nonnative species is a nuisance, a pest and should be controlled to protect Wisconsin native species and habitats. He stated the mutes should be managed in an effective and efficient manner consistent with accepted wildlife practice and manage with consideration to the value held by the Wisconsin residence. These nonnative mute swans have been observed fighting with trumpeter swans, interfering with their breeding efforts, and driving them out of their territories. After ten years of a restoration program, our trumpeter swan population has reached 45 nesting pair. We need to enact control policies that include egg handling, removing of the problem birds, prohibit import/export possession or sale of these mute swans and their eggs, and by sterilizing the adult mute swans. Mr. Koerner stated that his committee would support all three potential control policies to help achieve this goal, mute swan egg destruction, control of mute swans on state land, the removal of free flying mute swans from Wisconsin, this is the unanimous opinion of the Migratory Waterfowl Study Committee.

Discussion pursued regarding number of mutes in Wisconsin.

3.B. INFORMATIONAL ITEM - Camping Study.

Sue Black, Parks and Recreation Director, presented the camping study informational item background. Ms. Black reviewed past presentations and supplements previously sent to the Board.

Peter Biermeier, Chief of External Relations and Planning Section, presented the Board with a powerpoint presentation on the future of the camping study. He reviewed the types of campsites, current opportunities in Wisconsin for camping, use patterns of camping, current market conditions, increasing demands, and expansion possibilities. Mr. Biermeier then showed a chart indicating the current property expansion possibilities of existing sites and proposed expansion. Approved priority master plan outdoor group campsite expansions would include property in the Blue Mounds, Council Grounds, Pattison, Perrot, Potowatomi, Tower Hill, and Yellowstone Lake areas. Resources for funding include Warren Knowles-Gaylord Nelson Stewardship Program, and amenity fees. In conclusion, Mr. Biermeier stated the demand is present for additional DNR family campsites. They would create a business plan for all types of camping, including ATV, wilderness/hiking, walk-in, and bike trails. Creating new campsites in existing state park properties, make changes in master plans and six-year plans, and increase group campsites.

Discussion pursued regarding master plans, stewardship funds, fee increases, fiscal impact and concerns with current budget, managing new sites with limited funding, fiscal analysis proposals, resources, having a plan, knowing where the demand areas are, using acquisition dollars best for camping, what we will use for development, and what can we develop for that amount of money. Creating a comprehensive business plan for all types of camping and when that would be made available having as an informational item to the Board including development costs, number of campsites, where and when, would that be forthcoming.

Mr. Biermeier stated they would need some outside resources to do research on the demands for some of these issues. He further stated he had hoped they could continue on as they had been since September to address this sometime next year with a full update.

Ms. Black - I would say that we are halfway through the business plan. We have supplied information on what it does cost to create a group camp, and the cost of an average family campground. We have looked at demand and the pricing structures. We looked for guidance, especially to the Chair, as to what else needs to be in that plan. Ms. Black requested the Board to feel free to take a look at the supplement that was previously sent to the Board and asked for their further advice.

Discussion pursued regarding alternative pricing, statutory changes in the next budget cycle, a raise in fees, and some sort of indexing cap.

No action was taken on this informational item.

3.C. Organizational Effectiveness Update.

Secretary Bazzell, thanked the Board for the opportunity to share information regarding recent changes the Department is making with regard to the infrastructure within the Department of Natural Resources. And, to speak to some of the changes they are making in the management systems to compliment some of these structured changes. He stated that we are all very much aware of the major and sweeping changes the agency went through back in the mid 1990's. He further stated they knew at that time, when making those changes, that some fine tuning would need to be done in the future, starting a process about two years ago called Organizational Effectiveness. What that process involved was having the leadership teams reach out to the staff and managers, particularly out in the field (in the fish, wildlife, and forestry programs), asking them some very basic questions. What is working? What is not working well? What are your suggestions and ideas for making changes to improve the operation of the Department? Secretary Bazzell stated the Department received very good feedback from staff and some changes were in fact made over a year ago. He stated that he felt, even with these changes, there was some significant unfinished business in that regard. So, they restarted this process about a year ago. He reflected upon the discussion about the future of this organization as to what functions may or may not be a part of an integrated Department of Natural Resources. The Department staff were all pleased with the decision that Governor McCallum made on August 30, 2001 to retain the Department as a fully integrated Natural Resources Agency. So, at that time, they started the process. Secretary Bazzell stated that he spent the last year speaking to many constituencies and a great number of staff about how to improve the functioning of the agency. They went out and spoke to over 90 different customer groups. Personally, along with the management teams, spoke to upwards of 900 to 1000 staff last month with regard to some of the ideas the Department wanted to get feedback on. They also had a Department website where staff were allowed, anonymously if they preferred, to share very direct feedback with them in terms of what their thoughts were with respect to the ideas that were being presented. They had roughly 500 staff who took advantage of that important opportunity. Ms. Zellmer will share with the Board some of the issues the Department is looking to resolve, the choices the Department did in fact make with respect to organizational structure, the system changes, and she will speak about some of the impacts of the changes they are, in fact, going to implement.

Barbara Zellmer, Executive Assistant, Office of the Secretary, presented the Organizational Effectiveness Update. Ms. Zellmer showed a powerpoint presentation on the Organizational Effectiveness Update to the Board. She stated that the Organizational Effectiveness work that the Department has been moving forward with has been a project that has been ongoing for a couple of years beginning with a focus on the fisheries, forestry, and wildlife programs. Within the last six months or so, they focused in on looking at actual changes to the structure in addition to a number of management system changes that had been worked on for the past couple of years. She stated that in organizational effectiveness one of the big commitments was they were going to stay with the principles that were set up when the Department was reorganized back in the mid 1990's. She further stated they are not abandoning those concepts of integration of focusing on the customers. With their effort to make some changes to the structure, they are still making it very clear they are committed to those concepts to moving forward. The things they are going to focus in on and measure their success over the short and long term with putting these changes in place are: 1) Are contacts clear to our customers. 2) Does the public and staff have confidence in how the Department is using the various fees we collect. 3) Does DNR staff in these programs have both programs and professional identify and development opportunities in those disciplines. 4) Do the DNR programs work together effectively on the geographic basis in doing their work in the protection of Wisconsin natural resources. 5) Are we still working very well in partnership with the various groups and the public to manage the state resources. In order to accomplish those things, it is obvious they will not be successful if they simply focus in on making a series of organizational changes in those programs. For that reason, they are committed to looking at their management systems in the Department, identifying those areas where they need perhaps new systems to do a better job, and identify those current systems where they need improvements. There are individual initiatives in each of those areas.

Ms. Zellmer stated that in the memo the Board received it spoke of these systems, one of which will require a intensive effort in focusing on their work planning and accountability on outcomes and accomplishments. Some of the comments received from a number of staff on the website was that folks felt that the current system for work planning was really focused too much on hours and dollars. The exclusion of not enough work on what we are actually trying to accomplish in the

Department and wanting to have more work on what is it we are trying to accomplish and what kind of measures can we use to do that. One of the things they will do in measuring organizational effectiveness is focusing in on that.

Integrating implementation at the county level, one of the issues the Department looked at was to focus in on better alignment at the county level. Ms. Zellmer gave examples of this. Taking a critical look at supporting partnerships, our current partnerships, and the basin partnership teams that have been set up. There are some very important success stories with the partnership teams that the Department does not want to, in any way, abandon and want to make a real continued effort to support those basin partnership teams in addition to the variety of partnership groups the Department works with. Integrating implementation at the county level the Department doesn't want to step away from an integrated planning look at the landscape and basin scale. These management systems are things being worked on, developing the specifics for. These will be implemented along side the organizational changes that are being made and are a real key important part of making it a success.

Ms. Zellmer then spoke of the organizational changes and produced an organizational chart for the Board Members to view. She reviewed the chart for the land, forestry, and water programs, which are organized around the basins. She further explained the organization of regional forestry, land, and water leaders and the options they chose and why. After a great deal of analyzing, the Department looked at the pros and cons of each of them and had a number of intensive Department leadership team meetings where these were intensely discussed. Ms. Zellmer then went over the options chosen after these meetings and discussions. For the water division what was selected was an option that maintains the water basin concept. Ms. Zellmer then explained this concept. The Department hopes this will, at least in part, provide a greater level of confidence in how fisheries dollars are being spent in the Department. And, that it will help improve program and professional identity in the fisheries program by providing a fisheries specific supervisor providing a greater means for mentoring and training in that program.

Discussion pursued regarding regional fisheries, fisheries staff, and the basin structure.

For the land and forestry divisions, Ms. Zellmer stated there were a number of options studied. After looking at the pros and cons, the option that was selected was explained by Ms. Zellmer. This option separates out the forestry program from the land program at the regional level and creates in the forestry program a regional forestry supervisor and then a series of supervisors and forestry staff below that. She then gave examples of this option. They went with this structure because it, first of all in splitting forestry from land, really recognizes that forestry is a division in the Department and it is a very large and complex program. The Department feels these structures will help assure clear program contacts for the customer groups and help assure greater confidence in how some of the revenues and resources are being used in the Department and will help with program and professional identity.

Discussion pursued regarding a concern about what we have been doing with the forestry resources, team leader training, organizational charts and the management systems, development of the position descriptions for each of the positions created in these new organizations, defining the competencies, technical competencies, managerial competencies, inner personal competencies, and selection of team leaders.

Ms. Zellmer - Selection of staff will actually be a combined team effort the way we are looking at it. Anyone who is interested in one of those positions we will have a combined interview at one place with all the candidates and we have an integrated team of folks from the each program from the region doing those interviews. So it is going to be a joint effort. We are working on the request to the Department of Administration for approval of our plan and a request to go ahead and fill those positions under the new organization. Given the fact that we are currently under a hiring freeze we need to work with the Department of Administration for specific approval. We have met with them and there is some indication that provided we do not increase our complement of staff we feel that we could work through that. Our hope for the time line will be that we will receive that approval at the end of March and we will also need to work with the Department of Employee Relations in our plan for filling those positions. The hope is to have all of the jobs announced at one time in April and then to begin the process of interviewing and making appointments in June and July. The plan and real hope is to have this in place at the start of the fiscal year and we will be able to implement this at one time.

Discussion pursued regarding basin partnership teams, relocation of employees, salaries, pay ranges, promotions, voluntary demotions, and basin teams.

Ms. Zellmer - We are talking about implementation at a county level. I used the example of using the fisheries biologists, they have a certain number of counties they are assigned to for the purposes of implementing the program. For planning purposes, we are still committed to using a larger scale for planning. That could include all types of planning from master planning to specific types of property planning or regional planning that is being done and that is where the basin teams are going to be so important. It is going to be important, for example, to have fisheries biologists at the table to have the wildlife biologists all of the appropriate disciplines at the table to assist with that planning. Right now the regional directors are looking at that issue and looking at the issue of how much flexibility we should be providing and where staff can be located in the new structure. For example, if you are a team leader, a supervisor, you need to be at a specific office or what is the range of flexibility on which office you could work out of. We are looking at trying to put some side bars on this but to have some flexibility as well. It could very well be that a number of folks could end up moving but the important things for staff that are affected by this are going to be able to look at the range of jobs that are open, they will know where those jobs will be located, what the options will be for them to be located, and they will have the opportunity to apply for them. It gives them some control over it.

We looked at the appropriate salary level for each of these positions in the new organization and what the range is. Someone could get a promotion and their salary may increase as a result of that. But if someone demotes into a lower level position it is possible they could take a cut in salary but that would only be in a situation where they would be making a decision to voluntarily demote to a lower level position. Then it would depend upon the salary range for their current job compared to that new job. The only situation where there is a possibility where there would be a decrease in pay is that all of these jobs have a pay range that someone would fall within. If someone decided to take a job where it was a lower pay range, significantly lower than what they were in right now, there is a possibility their pay would be decreased but we would need to look to see where they would fall within that. We see that as being a pretty unusual situation.

Secretary Bazzell - The people affected here are the supervisory staff. We are talking about supervisors for the most part, supervising with multiple functions. Some might be supervising foresters and wildlife managers. With the new structure they will only be supervising either foresters or wildlife managers. We are not talking about going from a non-supervisory to a supervisory position, it is typically going from one style of supervisory position to another and that may not have a fiscal impact.

3.D. Retirement Resolutions. Secretary Bazzell

- 1) David Arendt.
- 2) Thomas Beard.
- 3) Terence Brown.
- 4) Gerald Carow.
- 5) Jill Hollenzer.
- 6) Jim Leverance.
- 7) Willian Rock.
- 8) Lawrence Schmitt.
- 9) Judith Schultz.
- 10) David Morehouse.

Secretary Darrell Bazzell, reviewed the careers of each retiree and commended them for their excellent years of service to the Department and to the State of Wisconsin. Mr. Willett requested that his name be added for his signature to the Gerald Carow Resolution.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler, approval of the retirement resolutions, as presented. The motion was carried unanimously by those members present.

4. Board Members' Matters.

4.B. Herbert Behnke - Nothing.

4.C. Catherine Stepp - Nothing.

4.D. Gerald O'Brien - Nothing.

4.E. Stephen Willett - Nothing.

- 4.F. Howard Poulson - Concerned, that as he looks at the basin issue, I see the lack of an external component there. I am wondering how we are going to tie some of that into what is really happening with the landowners.

Secretary Bazzell - On the water side of the agency we retain a basic concept. That focal point to work with the basin partnerships. On the land enforcement side, with the change that we made, there is not an obvious alignment with those efforts. One of the commitments that we have made, Steve Miller and Gene Francisco in particular, is that we are going to identify staff that are going to be connected with those basin partnership teams. This should be seamless from a public perspective. We will still have the same staff involved with those basic partnerships. One of the other changes that we have made with this reorganization is to provide additional focus on other scales and partnerships that we have. We put such an emphasis on the basin partnerships, and we see some good success with that but what we also want to emphasize, renew, and strengthen the partnerships that we have, is part of the design work that is underway right now. We are actually looking to staff to help us better strengthen some of those existing partners. Some of them have been long standing for many generations and we want to provide some new focus on.

Mr. Poulson - Some of the work that we are doing such as with the discovery farm, some of those things are leading toward better conservation efforts and that all has to do with water quality. I hope that somehow we can tie in some of that work that we are doing to make this a model.

Secretary Bazzell - The basin teams themselves are very much connected. We certainly have a central office connection in terms of a statewide advisory group.

- 4.G. James Tiefenthaler - We all received a letter from the Jackson County Wildlife Fund about the elk. The provision that we put in the rule to have them qualify as a huntable species in wildlife damage and abatement program. I would like to see what we could do to rescind that and what process might we undertake in order to alleviate that provision in order to get the elk on the ground sooner.

Secretary Bazzell - We would have to take a look at that which may mean that we would need to bring this back to the Board for a modified decision.

Mr. Tiefenthaler - Is it possible to look at that for March?

Secretary Bazzell - Sure.

Mr. O'Brien - I think it is important that we hear directly from the cranberry people.

Secretary Bazzell - To make sure that we can come up with that change of direction, sure, that would be important.

- 4.H. Chairman Solberg - Nothing.

5. Special Committees' Reports.

There were no Special Committees' Reports this month.

6. Operating Committees.

6.A. Air, Waste and Water/Enforcement Committee.

- 6.A.1. Minutes. There were no committee minutes for January 2002 since all agenda items were taken up during the Full Board Meeting.

- 6.A.2. TABLED ITEM - Adoption of Order FH-19-01 - revision of Chapter NR 326, Wis. Adm. Code, pertaining to swim rafts (water trampolines) definitions.

Mr. O'Brien MOVED, seconded by Mr. Behnke to remove from the table for action purposes the adoption of Order FH-19-01 - revision of Chapter NR 326, Wis. Adm. Code, pertaining to swim rafts (water trampolines) definitions. The motion was carried unanimously by those members present.

Michael Lutz, Bureau of Legal Services, presented the adoption of Order FH-19-01 - revision of Chapter NR 326, pertaining to swim rafts (water trampolines) definitions. Mr. Lutz reminded the Board that the concern at the November Board Meeting

was over the permit requirement created for larger structures in excess of 200 square feet. Mr. Lutz was asked if there was an easier way to permit these structures for this standard 30.12 structure permit. He stated they reached the conclusion that there was not. He stated the legislature has not given the Department the leeway to create different kinds of permits for different structures. Mr. Lutz stated they went with a 200 square foot threshold, which would allow the most popular manufactured swim raft, which is 15 foot. A 17-foot diameter swim raft is about what triggers the 200 square foot permit requirement. Mr. Lutz measured out the area in the Board Meeting Room to demonstrate the size of a 200 square foot area. He stated they tried to create a balance with the 200 square foot requirement. He then reviewed the hearing comments with the Board.

Discussion pursued regarding the \$300 permit fee.

Mr. Lutz - There is an administrative code that sets permit fees. It is based on the number of hours that it takes to process a permit. If it is a permit that requires an inspection by staff because they would need to go out, it typically triggers \$300 or more. Public notice is required. We need to get comments from the public. The primary thing is that it requires an inspection. Someone needs to go out and look the situation over and the water regulations program has informed me this would be the standard fee for a near shore structure.

Ms. Stepp - How many hours is that for \$300?

Mr. Lutz - I would think about nine hours or so.

Ms. Stepp - Nine hours to get a permit for a swim raft. That would be the total time that it would be involved in a structure. I have to make this comment, that developers that I know that have to wait forever to get their Chapter 30 permits approved, then we are adding on more work to these Chapter 30 permit processors, and that is disturbing to me. I understand grading issues and erosion issues being Chapter 30 issues, which are critical. What is the turn around time now for this permit?

Program staff - It varies, for a structured permit it is a minimum of 30 to 60 days.

Ms. Stepp - But there is public notice that has to go out, then a meeting needs to be set up, then there is a comment period time, and we are going through all the regular Chapter 30. So in real lifetime we probably say three to four months before someone can actually get their permit and set up their raft.

Program staff - Yes, probably 60 days.

Discussion pursued regarding the size of water rafts, handling this situation with the lake associations, Chapter 30 requirements, how far out into the public water ways we are venturing, bureaucracy, paper work, fees, and workload for the Department to operate, permit longevity.

Ms. Stepp - You know, I am still standing pretty firm in my position. I am troubled that the Department of Natural Resources is enacting a rule based on aesthetics. We tried the fishery thing and the safety angle, they didn't work. Now we are back to aesthetics.

Mr. Lutz - I don't think it is right that you say that it is just aesthetics. It really is a balancing of how we want our waters to be used. There comes a point in which a structure uses an amount of water space that violates the public rights in that water. Seldom does anyone place a water trampoline who doesn't already have a pier, that doesn't already have a number of boats leered to that pier. So they are making intensive use of that near shore area so this adds to it. It is a philosophy of whose waters are these and do we want our near shore waters to be water parks. It will be more difficult to place one of these large structures, not impossible. Someone who is really persistent will be able to do so. These permits are good indefinitely once they are received.

Secretary Bazzell - If you take a look at the structures out there right now, very few if any would be subject to a permit. Again, we are talking about a situation that is not occurring, for the most part, right now. Most of what is occurring on the water would not be subject to a Chapter 30 permit.

Mr. Tiefenthaler - Part of the fee they are calling it permit fee revenue and they are going to be deposited in water resources and zoning fee program revenue appropriations. Does this go back into staff time or are we planning on revenue here as a fee generator? What is a cause for a denied permit?

Mr. Lutz - I don't think there are going to be that many of them. I never looked upon it as a fee generator in my work on this. We only heard from two people who own that size and most of them won't need a permit because they will be at resorts or

camps. We would need to show that it does in fact destruct navigation. I have never won a case on aesthetics myself. Typically this would be before an administrative law judge and neighbors are going to need reasons other than I don't like the looks of these rafts. The hearing examiners look at if this is in the public interest. He looks at the same things that DNR looks at, does it have an impact on navigation, does it at this location impact fishery resources, and the fact that someone doesn't like it isn't one of the tests. The tests are there objective factors to speak to why this permit should be denied. Aesthetics is an element of that but not the whole case. At least put it to a public interest balancing test, and there should be a balancing test, an unreasonable use to public waters. The riparian right is an unreasonable right to access.

Ms. Stepp - The \$300.00 permit fee is really a problem for me. That is exorbitant for something like this.

Mr. Tiefenthaler - Me to.

Chairman Solberg - How much time is this going to take. I am not sure if this is too large a fee.

Mr. Behnke - That isn't the only cost on these permits. You need to have a public hearing, you public notice it, we need to go through the process, you are talking about quite a bit of expense. I don't think \$300.00 covers the cost of the process.

Chairman Solberg added Mr. Norm Mears as a citizen participant to the agenda.

Citizen Participation on this item:

Norm Mears, St. Paul, Minnesota, Rave Sports Company, spoke in regard to the water trampoline issue. Mr. Mears reviewed his history with Rave Sports and Minnesota. He stated that he has an appreciation for the environment and that it gets control and direction in the development of his products. He reviewed the history of this adoption. Mr. Mears stated that he went to Exponent, a forensic analysis firm that did the Oklahoma bombing analysis and TWA Flight 800 analysis and asked them for an opinion (attachment A of the packet he handed out). He stated they had little or no concern that aquatic life is impacted. He further stated that no evidence has been produced to substantiate the claim that these rafts are a navigational obstruction. He compared the wood swim raft with the portable swim raft (attachment B of the packet regarding safety). Mr. Mears stated that obstruction and scenic beauty seemed to have surfaced as the primary issue. He stated they would be doing a survey within the next month with Wisconsin dealers to ask them if an alternate color combination is appropriate. He reviewed the complaints of landowners, of which there were significant concerns for the environment or for users, and at the hearings the primary concern of objectors that he heard was their concern about the DNR putting in more regulation for a Department whose field staff is already overworked. Mr. Mears reviewed future permit applications. He concluded by stating the units proposed to require permits are no greater threat to the environment than any other water use structure. He further stated that Wisconsin landowners overwhelmingly object to the proposed rule change. That the rule change utilizes a permit process that was designed for permanent structures, not play equipment used on the water no more than three months per year that is frequently brought to shore during the week. He further concluded that he proposed the change is unnecessary.

Discussion pursued regarding size of the rafts, camps, seasonal business, and hurting Mr. Mear's business with this adoption.

Mr. O'Brien MOVED, seconded by Mr. Behnke, adoption of Order FH-19-01 - revision of Chapter NR 326, Wis. Adm. Code, pertaining to swim rafts (water trampolines) definitions. The order was carried by a vote of five to two by those members present.

<u>Yes</u>	<u>Opposed</u>
Herbert Behnke	Catherine Stepp
Gerald O'Brien	Steven Willett
Howard Poulson	
Chairman Solberg	
James Tiefenthaler	

6.B. Land, Management Recreation and Fisheries/Wildlife Committee.

6.B.1. Minutes. There were no committee minutes for January 2002 since all agenda items were taken up during the Full Board Meeting.

6.B.2. Approval of feasibility study and environmental assessment for the proposed Snow Bottom State Natural Area.

Sue Oshman, South Central Regional Land and Forestry Leader, introduced the approval of feasibility study and environmental assessment for the proposed Snow Bottom State Natural Area. Ms. Oshman stated this proposal was being presented to significantly expand the current Snow Bottom Natural Area which is a 450 acre property in northeastern Grant County. She stated that many of the Board Members were taken out to visit the property last fall. She further stated that DNR was now asking the Board to approve the feasibility study in establishing the Snow Bottom State Natural Area with a boundary of 20,900 acres of that an acquisition of 9,500 acres in addition to the 450 they currently have. The proposed projects intent is to protect significant natural areas through partnering with local landowners, non-profit conservation organizations, and other units of government, in addition to fee title purchase conservation easements and other appropriate types of acquisition by the Department. They would also pursue grants to help improve some of the agricultural practices in the area to provide information sharing on land issues such as native plant and community best management practices. Most folks strongly support to protect the natural and cultural resources in this area with very limited opposition to this project.

Discussion and clarification pursued regarding acreage,

Matt Zine, Conservation Biologist, presented the feasibility study and environmental assessment for the proposed Snow Bottom State Natural Area. Mr. Zine reviewed the history of the Snow Bottom area. He spoke of the several types of trees and rock formations mixed in with the agricultural land so of that area there is about 9,500 acres that we would like to go after in some form with partners to try and protect this. Mr. Zine pointed out on a map that he provided the Board the area he was referring to.

Discussion turned to outside competitors for land acquisition in this area, mostly for recreation, and cost.

Mr. Zine continued with the major natural features of the area and the outreach efforts that were involved. Mr. Zine stated that natural changes that are occurring need to be addressed to keep these areas intact and he stated that he feels that public partner shipping is probably the only way to go.

Mr. O'Brien - Can you hunt on this land?

Mr. Zine - In a natural area, if the state owns it, you can hunt and fish on it. Turkey and deer are present on this land. What happens now, after the decision today, and if it is approved, it will go to the Governor's Office. They will then start working with interested landowners. This site is large enough that it will require a master plan.

Citizen Participation on this item:

Dave Fritz, Montfort, representing himself, spoke in support of the approval of feasibility study and environmental assessment for the proposed Snow Bottom State Natural Area. Mr. Fritz requested to go on record in complimenting Mr. Zine on the way that he conducts himself and represents the Department. Mr. Fritz reviewed his life history in Wisconsin. He stated that he is on the church council at the Castle Rock Lutheran Church, the Vice President of Trout Unlimited, and the Coordinator of their citizen monitoring effort. He stated that his Trout Unlimited Chapter had absolutely positively exhibited behavior that they are in favor of this project. They purchased a property in hopes that it would be added to this project. It is on the Blue River and they are doing a research project on the Blue River property trying to determine what the native vegetation pre-settlement vegetation might have looked like. This group has done investigations and they are proposing to work with landowners in implementing CREP Programs in this area. He stated that not everyone is in favor of this project, there are those that some people do not want DNR to own land. He further stated that he happens to be one of those people. One of the reasons is because government doesn't generate income they tend to spend income. Mr. Fritz stated that even though he feels this way, he is in favor of the DNR purchasing this property because there are others from the outside interested in coming out and doing restoration work with them. Mr. Fritz further stated that the local people living in these areas cannot compete, they see they are going to lose it. They would rather see the DNR purchase this land rather than release it to the outside. Mr. Fritz further stated that he is looking forward to a partnership with Mr. Zine and the DNR.

David MacGregor, Milwaukee, representing himself, spoke in support of the approval of feasibility study and environmental assessment for the proposed Snow Bottom State Natural Area. Mr. MacGregor reviewed his history in Wisconsin. He stated that once folks understood what the DNR intended to do with this area, the majority were in favor of preserving the Snow Bottom State Natural Area. With a goal to keep this area with its beauty and uniqueness in southwest Wisconsin. He further stated that on his land he has planted prairie grass and has done restoration work. Mr. MacGregor stated that he strongly supports this feasibility study.

Jim Sime, Middleton, representing himself, spoke in support of the approval of feasibility study and environmental assessment for the proposed Snow Bottom State Natural Area. He stated that he has been fascinated with this area for a long

time. He referred to the beauty of the rocks and trees. Mr. Sime asked that the area remain with value to be protected with its rugged terrain. He further stated that he contacted other people in the area, most of these folks expressed they wished to preserve it as it is, and their concerns about development are quite strong. Mr. Sime stated there are concerns about ownership changes and urged the Board to approve this feasibility study.

Chairman Solberg thanked Mr. Sime for spending time with the Board Members on the earlier tour of the Snow Bottom State Natural Area.

Mr. Behnke MOVED, seconded by Mr. Tiefenthaler approval of feasibility study and environmental assessment for the proposed Snow Bottom State Natural Area, as presented. The motion was carried unanimously by those members present.

6.B.3. Approval of proposed five-year plan to control the expansion of exotic mute swans in Wisconsin.

Steve Miller, Division of Land Administrator, presented general comments to the Board regarding exotic species. Exotic species are simply those species that have come from another place and are generally brought here by humans, not all the time but most of the time. It is not viewed as a natural event especially if they have been brought here by humans. The Department has quite a history in dealing with exotics. There are costs that are associated with exotics in terms of their negative affects. Over the United States in total the affects of exotics in this country is measured in the billions of dollars. Concern over exotics has been elevated to the point that a presidential commission was set up. In our own state the Governor appointed an invasive species task force that was chaired by the Lieutenant Governor. There are exotics that are viewed as good exotics and there are those viewed as bad exotics. Sometimes it is based on a great deal of science, sometimes the science is not real perfect. Some exotics have an aesthetic or economic value. Some of our game species we view as good exotics, in fact, DNR actively promotes. While there are also exotics that are viewed as bad, we feel that these are species that harm our native species or our native ecosystems. Whether introduced accidentally or intentionally, exotics cause problems because they have been moved outside of their natural ecosystem where they would be under some control. Harmful exotics are so pervasive in the environment that spot treatment can only be done to control them. Mr. Miller listed other exotics and how the state is handling them. Control is an option but it can be expensive and very limited in its affect. The best option is to try and keep them out, which is very difficult to do. If an exotic does get established and it is felt by the Department is one that, for justifiable reasons is not welcome, then the best thing to do is try and get a handle on the problem before it does get out of hand. Mr. Miller stated this is the way the Department in looking at mute swans.

Ricky Lien, Urban Wildlife Specialist, presented the proposed five-year plan to control the expansion of exotic mute swans in Wisconsin. Mr. Lien showed a powerpoint presentation regarding mute swans in Wisconsin. He also reviewed the history of the control of mute swan specifically in the Waterford area in Racine County. Mr. Lien stated the Department put together a team of biologists to work on the issue and the first order of business was to develop a goal for what they wished to do. The goal they had in mind was that mute swans in Wisconsin should be managed. Managed to protect Wisconsin's native species and habitats; in an effective, efficient manner consistent with accepted wildlife management practices; and with consideration to the values held by Wisconsin residents. He stated that a great deal of research in Wisconsin had already been done because of the past introductory program. There was new information regarding the information from the Audubon Society Christmas Bird County. Mr. Lien presented a chart reflecting 1970 to 2001, showing that the mute swan bird count continues to climb, which is a concern. He reviewed the public hearings and the results. Opposition has come from municipalities in the Town of Waterford and the Town of Rochester in Racine County. They also heard from the animal protection institute which is based out of California. Based on these two conflicting viewpoints, a compromise was crafted that tried to satisfy both sides of the equation. The policy is DNR would like to remove free flying mute swans from the State of Wisconsin. They would still allow to have game farms of mute swan as long as they follow the game farm rules. The exception would be in Racine County, the two townships of Waterford and Rochester. The Department is proposing these townships to be designated as a study area or they would not undertake control of mute swans unless certain exceptions came into place. Mr. Lien gave examples of these exceptions. He stated that in the time that he has been working with this he has heard from other states asking what Wisconsin was doing to control the mute swans. Minnesota has a very aggressive mute swan control program. If passed, if approved, ours would be very similar to theirs. He stated that he sees this, not only a policy to deal with mute swans in Wisconsin, but a chance to lead, try to come up with a regional policy, leading other states into doing what Wisconsin is doing and becoming even more effective.

Discussion pursued regarding the number of mutes in Wisconsin, surveys, aggression, negative aspects of mutes, nesting trumpeters, Board Member observations of mute swan, and nesting trumpeters.

Ms. Stepp - In fairness to the birds, some of the negative interaction examples given such as during breeding time, isn't that any animal? Most animals, when it is nesting time breeding time, that is when they are the most aggressive and territorial.

The other point is that for the people in my community that have been so passionate I have actually seen photographs where they are hand feeding the birds. So when you talk about the aggression that argument didn't work for the people in my area. That was a difficult one to get past when you see little kids hand feeding these birds. These are part of the fabric of the society. I was telling some of the Board earlier that Waterford actually has the swan as part of the emblem of their town or village. These birds are very much a part of the community. Why wasn't Norway included on our exemptions? You know how Norway and Waterford are, they are almost the same communities. I was wondering what your thoughts were on including the Town of Norway in this exemption?

Mr. Lien - Why not the Town of Norway? Because they did not ask for it. The Town of Rochester and the Town of Waterford we heard from those communities. Also, in the Town of Norway we have residents on the other side of the issue who want mute swans controlled. Don't all species have aggressive behavior during breeding season? Many species do, not all, but many do. We are talking a scale here. When a mute swan decides to be aggressive it can out compete anything else. There is a difference between a wood duck and a mute swan that is trying to inhabit the same space, the mute swan will exclude it. It is an exotic species that is able to out compete anything else. They can both be aggressive during breeding season, but the mute swan holds the upper hand.

Ms. Stepp - Did you receive a resolution from our Racine County Board? For the record, I want it to be known that on that resolution from the Racine County Board, they did have Norway as included on the exemptions because Norway went to the County Board and asked to be included on that. Again, Norway is in the same general area.

Mr. Lien - The reason that I didn't bring that up before is because in the draft resolution that I saw from Racine County they said that as stated by DNR staff we hereby ask that three towns be included, I never asked for that so that was an incorrect statement. If the Town of Norway has gone to them since then it would be different. But we have people on the other side that said, in the Town of Norway, don't include us.

Mr. Tiefenthaler - Basically it looks like a good plan. It is sound and well thought out. But, you have a real serious question of the time line with the five-year plan. I am reading in the green sheet and other areas there is potential for explosive growth, completely displaces or kills native waterfowl. Populations are exploding along Atlantic coasts from Massachusetts to Virginia and expanding in the midwest. Then you are telling us that we really don't know if it is 200 or 600 mute swan that we have. I am looking at the bird count figures and generally from 1997 to 1999, in two years, it has gone from 27 to approximately 105. In another two years it went from 38 to 115, that is about four to one in a year. I am very concerned that five years is too long without a reevaluation. For that reason, I am going to introduce an amendment to go to three years with this plan because I am very concerned that we will be chasing mute swans all over southeastern Wisconsin. It seems to me this could happen.

Mr. Lien - Your point is well taken. They do have the potential for rapid growth. The purpose for the study area was to see what is going to happen. Can you measure that in three years? I don't know. One of the considerations that we did look at was, there is a wolf management plan and that had a time frame of five years and to be consistent with the administrative process we went with five years. So, in three years could we deal with it? Certainly.

Mr. Tiefenthaler - Part of this plan is, if they get off the study and area, if they get on state land we will need to chase them down and try to control them. I can see spending thousands of hours of staff time trying to contain them.

Discussion pursued regarding the study area, state land, and control of mutes if they get out of the study area.

Citizen Participation on this Item:

Joe Johnson, Hickory Corners, Michigan, representing the Mississippi Flyway Council Technical Section, spoke in support of the proposed five-year plan to control the expansion of exotic mute swans in Wisconsin. Mr. Johnson stated that he has 38 years of experience as a wildlife biologist, working for Michigan State University; he has kept and breed seven species of swan; he is the trumpeter swan restoration coordinator for the State of Michigan; he is the Chairman for the Mississippi Flyway Technical Section; and he was the moderator of a swan issues forum at the Fourth International Swan Symposium in Virginia last February where there were a British animals rights person, U.S. Fish and Wildlife Service, the State of Virginia, North Carolina, Ontario, and himself trying to control of swan. Mr. Johnson reviewed the history of the mute swan. Mr. Johnson showed an overhead of population growth based on the winter waterfowl inventory. He further reviewed the federal appeals case of December 28, 2001 in the District of Columbia and the 1918 federal treaty protecting waterfowl. He concluded by stating that mute swan are feral exotic species; they are expanding in range and increasing in numbers; six of 17 flyway jurisdictions feel they have management problems; there are significant variation in regulations; they are competitive for food and space with native species; and the human and swan conflicts can be serious. His recommendations

were to recognize mute swan as an exotic species and its domestic origin. He stated that he felt it should be unprotected and should not be rehabilitated for release. He further stated that he felt the U.S. Forest Service and the National Park Service should adopt the same policy as the Fish and Wildlife Service. He felt the population of the mute swan in Wisconsin was at a novelty state and should be returned to captivity.

Discussion pursued regarding reproduction of mutes and the Michigan population range of mutes.

Jay Rendall, St. Paul, MN, representing MN DNR, spoke in support of the mute swan proposal. Mr. Rendall stated that he is the Exotic Species Program Coordinator in Minnesota. He stated that in Minnesota they are quite concerned about mute swans that could establish and cause problems as in the eastern states. For several years they had been attempting to keep them from establishing populations in the wild. Several years ago Minnesota state legislature changed some of their statutes and designated mute swans as unprotected species. He reflected on the Minnesota state statutes for game farms. He stated that the Minnesota DNR did not intend to issue permits to allow mute swans in the wild, the intent is to keep them out of the wild except for some unique research project areas. Mr. Rendall read a statement of need and reasonableness that was put together by the Minnesota DNR. The magnitude of potential adverse impacts of mute swans is high because: 1) Mute swans can be extremely aggressive during the spring and summer breeding season excluding other wildlife from their breeding territories. 2) There is evidence that mute swans have displaced loons on traditional noon nesting sites in Michigan. 3) It is difficult to maintain low population levels once the mute swans are established. Once those large populations get established it is going to be very difficult to both physically and socially remove them. He spoke of a response team they formed to remove mutes from the wild. As Exotic Species Coordinator for ten years Mr. Rendall stated that he learned that prevention is the best approach to managing harmful exotic species. Once they are established it is very difficult and often impossible to eliminate them from the wild. He stated that mute swans do not recognize political boundaries and urged the Board to recommend actions to hold mute swan numbers to a minimum in Wisconsin for the benefits of ecosystems for Wisconsin as well as for surrounding states.

Mr. Tiefenthaler - Mr. Rendall gave an excellent presentation to the Governor's Council and explained the Minnesota plan which patterns with our report. I just wanted to give him credit for that, he gave a wonderful speech on that.

Discussion pursued regarding requiring a permit or if it is unlawful for an individual to release mute swan into the wild.

Mr. Tiefenthaler - I think we need to add this on this proposal under Policy D that we would prohibit anyone individual, rehabilitator from introducing mute swan back into the wild without a permit.

Robert Langmesser, Waterford, representing the Town of Waterford, was scheduled to speak to express his opinion of the proposed five-year plan to control the expansion of exotic mute swans in Wisconsin. Mr. Langmesser did not appear. Board members stated they received materials from Mr. Langmesser and were able to review them prior to the meeting.

Jim Ruwaldt, Madison, representing U.S. Fish and Wildlife Service, spoke in support of the proposed five-year plan to control the expansion of exotic mute swans in Wisconsin. Mr. Ruwaldt stated that he is the U.S. Fish and Wildlife Service Private Lands Coordinator for Wisconsin stationed in Madison. He stated that he administers a program that is delivered by nine of the field offices in Wisconsin that restores wetlands, prairie, savanna, and endangered species habitats on private lands. He spoke of the Circuit Court of Appeals in the District of Columbia and the Federal Migratory Treaty Act. He stated the U.S. Fish and Wildlife Service view mute swan as a problem. Mr. Ruwaldt stated that Wisconsin has an opportunity to control that problem and their feeling is that the Fish and Wildlife Service efforts will be to develop a system that will help DNR to address the problem of mute swans in Wisconsin.

Karen Etter Hale, Madison, representing Madison Audubon Society, WI Audubon Council, and the Milwaukee Audubon Society, spoke in support of the mute swan proposal. Ms. Etter Hale stated their organizations support the DNR's proposal five-year mute swan policy. Their preference would have been to include the entire state in the plan, but they recognize the compromise to exempt the two townships with the requirement that the plan be reviewed in five years or less. She stated that exotic mute swans in Wisconsin pose a threat as incurred both directly and indirectly for the liability of other native waterfowl species. She spoke of the threat of mutes and the time and money invested in trumpeter swans. Ms. Etter Hale presented a handout showing population numbers of mutes in Maryland. She reviewed the destruction in Maryland. Ms. Etter Hale stated their organizations encourage the incorporation of the plan with other efforts addressing evasive species so that funding opportunities, if needed, can be identified and pursued. She stated they also believe that developing and implementing a solid public education plan should be an intricate part of the overall control plan. In conclusion, Ms. Etter Hale stated that the Madison Audubon Society, Wisconsin Audubon Council, and the Milwaukee Audubon Society believe it is appropriate for the DNR to direct its wildlife policies, like the mute swans policy, for the restoration and protection of native species and habitats.

Joyce Gerard, Waterford, representing herself, spoke in opposition of the mute swan proposal. Ms. Gerard spoke of personal experiences with mute swans. She stated that the swan in her neighborhood are wonderful, beautiful, swim with the ducks, the geese, and their babies. She stated they have 11 grandchildren and the swan have never tried to harm any of them. She further stated they have two cats and a dog and the swan haven't harmed them. Ms. Gerard stated that she would hate to see them killed. It was said the mute swan will be saved in their area, Waterford and Rochester, but if they go on state property they would be killed. She further stated that from what she hears the trumpeter swan will never go to the south because it is too warm and they don't like activity. If the mute swan are taken away, they wouldn't have any. Ms. Gerard stated that she felt it would be better to control the mute swan by taking some of the eggs rather than killing them all and taking them away from her neighborhood.

Discussion pursued regarding the number of mute swan in Ms. Gerard's neighborhood and how long they had been there.

Bill Gerard, Waterford, representing himself, spoke in opposition of the mute swan proposal. Mr. Gerard stated they love the birds and said it would be difficult to explain to their grandchildren what happened to these mute swans. He stated that with all the knowledge in this DNR building and in this meeting room today that the only way that the DNR could come up with to control the swan population from getting out of hand is to kill them all. He stated he didn't accept that for this country. He further stated this country was founded with open arms for anyone as a person to come here and he felt it also applied to animals. Mr. Gerard stated that he thought something else could be done. He spoke of the mutes mating and their eggs. Mr. Gerard then reflected on the Sturtevant hearing and the results. Mr. Gerard stated that as long as his wife and he are alive they are going to, in their own way for what they can afford, fight the total extinction of these birds. He reflected on a call to a friend in Michigan relating to mute swan in that state. Mr. Gerard stated that he was only one of 1200 signatures that signed the petition to save the swans. He asked the Board to keep the mutes swans.

Doug Thiessen, Madison, representing himself, spoke in support of the mute swan proposal. Mr. Thiessen stated that he was touched by the Gerard's statements of how much they love the swans. He stated that he works at the University of Wisconsin, having a degree in agriculture not directly related to biological sciences, and he is an amateur naturalist. He spoke of experiences he witnessed with aggressive mute swans. He stated that the Gerard's mute swan are more domesticated because they were domestic animals and perhaps they are more agreeable to what he has seen. He felt that if this is the way that mute swan behave toward the environment with our native wildlife that some type of control is necessary.

Noel Cutright, West Bend, representing Wisconsin Society for Ornithology (WSO), spoke in support of the mute swan proposal. Mr. Cutright stated that the Wisconsin Society for Ornithology supported the mute swan policy since 1995 when the first discussion started to take place. He stated that a strong educational component must be included in the total of mute swan management program. The WSO will actively support and assist the DNR in educating the public in the need of this policy. It is important that human assistance be used to help solve a situation in which native species and habitats are in jeopardy because of a human interference, the introduction of a non-indio species into Wisconsin's landscape. He urged the DNR to take advantage of this opportunity to emphasize the threat that many of these exotic species are very invasive.

Discussion pursued regarding mute swan population growth.

Dick Koerner's citizen participation presentation was moved to 3.A.5.

Heather Patti, East Troy, representing Nature Conservancy and Mukwonago River Watershed Project, spoke in support of the mute swan proposal. Ms. Patti presented the Board with a copy of her presentation stating that she is a conservation biologist for the Nature Conservancy in the Mukwonago River Watershed located in Walworth and Waukesha Counties. She stated that the Nature Conservancy's mission is to protect plants, animals, and natural communities that represent the diversity of life on earth by protecting the lands and waters that they need to survive. She further gave past history and present workings of the Conservancy. Ms. Patti stated there are many aggressive exotic species that threaten our natural lands and waters in southeast Wisconsin and mute swans clearly belong on the list. She presented the history of the mute swan. She further stated that invasive exotic species such as mute swan is one of the most pressing and challenging issues facing Wisconsin's natural resources. Governor McCallum recently proposed and the Legislature approved a new initiative to control invasive species in Wisconsin. Ms. Patti stated that the Mukwonago River Watershed in Walworth and Waukesha Counties and the Kakagon Sloughs/Chequamegon Bay Watershed on Lake Superior are affected by mute swan populations and will benefit from the Department's policy to control this exotic species. She reflected on the population of mute swan in that area giving examples of their destruction and aggressive behavior. Ms. Patti concluded in asking for the continued commitment to protect out critical natural areas and native species encouraging the Board to continue the prudent policy of mute swan removal that has been recommended by staff.

Kathy Aron, Wind Lake, representing herself, spoke in support of most the mute swan proposal. Ms. Aron stated that she is a self employed lake management consultant. She stated that we are not doing a very good job of educating the people of Wisconsin regarding our natural resources. We should not be feeding these wild animals or wild waterfowl. We are not giving them a balanced diet, we are infringing upon their entire life cycle by feeding them. She reflected on the number of mute swan in the Waterford area. Ms. Aron stated they are on Wind Lake. The state is trying to bring Wind Lake back to a prime waterfowl hunting/fishing area. Ms. Aron stated these mute swan are not going to help that. She spoke of her personal experience on Wind Lake regarding a trumpeter swan and a mute swan and the mute attacking the trumpeter. Ms. Aron spoke of increased mute populations. She stated she felt the Department should not be creating pockets and she understood the passion that was heard today from other citizens. Ms. Aron encouraged the Board to review this policy within three years rather than five and that the Department should try to control the whole species rather than micromanaging in small areas.

Becky Abel, Madison, representing Nature Conservancy Wings of the Americas, spoke in support of the mute swan proposal. Ms. Abel stated that she was also speaking because she did her graduate work at the University of Wisconsin Madison on the trumpeter swan reintroduction program to the State of Wisconsin. Prior to the trumpeter swan work that Ms. Abel did, she stated that she worked with mute swans on Phantom Lake. Ms. Abel stated that she spent thousands of hours in a canoe watching these swans. They are an exotic species and what Ms. Abel focused on was the devastation they can reek on aquatic habitat. What they do is they tip up, they dig out or rip up the vegetation, they pick out what they want out of it and leave the rest. There is a huge tearing up of vegetation and turnover. They eat 10 pounds of vegetation a day. You take the cascading effect of them doing that, plus these birds are colonial nesters, the native trumpeter swans would never nest at the densities that we see. Phantom Lake and Mukwonago as we have heard has up to 40 or 50 swans on one lake, trumpeter swans don't nest at those densities. What is better about one swan than another, you would never have those densities in those areas. We have heard they are sedentary. You add that to the fact they are eating 10 pounds of vegetation a day in extremely dense numbers and they are semi migratory or hardly migratory at all and you start to see the affect they are having. The mute swan are not only affecting the diversity of plants that are within this system they are also affecting the fish species and the invertebrates that are dependent on those. She further stated that she had witnessed the aggression of the mute swans and has been attacked by them. Ms. Abel stated that she couldn't remember a time when a white bird landed on a lake with a mute swan that didn't get attacked, white birds in particular they will go after. Other waterfowl, depending on what time of the year it is, yes they will attack them, yes they will kill them. Ms. Abel stated that the big issue for her was watching the devastation to the aquatic system which is going to carry over into many different classes of animals than just birds.

Discussion pursued regarding trumpeter swan in Waterford.

Scott Craven, Madison, representing himself, spoke in support of the proposed five-year plan to control the expansion of exotic mute swans in Wisconsin. Mr. Craven stated that he is also a statewide wildlife specialist of UW Madison and a Professor and Chair of the Department of Wildlife Ecology at UW Madison. He stated that he has had a fair amount of experience in dealing with wildlife damage and nuisance problems across the country, his primary expertise being familiar with these situations and understand the various implications. He further stated that in general he supports the proposal before the Board. Mr. Craven stated this is not about swan control, it is about a mute swan issue. Mute swans are exotics, in an of itself it isn't a problem. However, when coupled with their exotic status with the mute swans capacity for rapid population growth and interference with native species, their ability to impact wetlands, their aggressive tendencies, the Department then needs to decide in favor of a control program. He stated that the proposed plan is well thought out, it is well supported by a wild range of conservation groups and it has a good chance of success. He stated that the fact is, in whatever numbers there are, they are here and they are in manageable numbers. They are still controllable at this point. The plan has a good chance of success. It also is sensitive to the concerns of folks that have lived with and have come to appreciate these birds in local areas. The plan stopped short of the goal of complete eradication. He further stated that in his experience dealing with nuisance and damage problems, the longer harmful or damaging species whether they are exotic or native are tolerated or the greater the area of influence or tolerance the more difficult future decisions will be. The control planning allows the DNR to stop this problem before it reaches an uncontrollable situation. Control outside the designated small safety zones is a good idea and with a review clause in five years or three years the safety zones can then be reevaluated.

Mr. Tiefenthaler MOVED, seconded by Mr. Willett to amend the approval of the proposed five-year plan to control the expansion of exotic mute swans in Wisconsin.

Mr. Tiefenthaler MOVED an amendment to the motion, seconded by Mr. Willett, to read that, "The Department staff review the effects of the policy in three years and report the results to the Natural Resources Board".

Ms. Stepp - I just want to remind all of the Members of the Board that there are just two of the folks here from the that area that were able to testify here today. But, to remind you that there were over 1,000 signatures on the petition from a

community that isn't very heavily populated. The Department was very good at compromising on this issue in trying to work with the public and I applaud you for that Mr. Lien and the folks that came down to try and educate everyone. We went through a lot of emotion on this issue down there. My hope is that we would honor what it was that we put out to the folks and they were able to come to grips with and have an understanding of, although they are not delighted with it, as the Department may not be delighted with this compromise but it was a good way to show the citizens that the Department can hear the concerns and not, in my opinion in the eleventh hour change, what it was they all feel what it was meant to be. It is very important to me. I just wanted to raise that point and I would hope that we would respect that. I wanted to say was that this has been such an ongoing hot issue in my area for the last year and a half and we have finally been able to come to some sort of an agreement with this. If we could just go with this it would a lot more palatable for me to go back home tonight.

Mr. Behnke - I don't really see any harm in going from the five year to the three year study. If there is an explosion within the three year time frame we would be able to take action instead of waiting another two years.

The amendment was carried by a vote of five to two by those members present.

Yes

Herbert Behnke
Gerald O'Brien
Chairman Solberg
James Tiefenthaler
Steven Willett

Opposed

Catherine Stepp
Howard Poulson

Mr. Tiefenthaler MOVED, seconded by Mr. Willett to add a second amendment to Policy D which would read, "No individual could release a mute swan into the wild without a DNR permit". The amendment was carried unanimously by those members present.

The original motion, as amended was carried by a vote of six to one by those members present.

Yes

Herbert Behnke
Gerald O'Brien
Howard Poulson
Chairman Solberg
James Tiefenthaler
Steven Willett

Opposed

Catherine Stepp

6.B.4. Adoption of Emergency Order FH-18-02(E) - revision of Chapter NR 20.20(73), Wis. Adm. Code, pertaining to sport fishing for yellow perch in Lake Michigan.

Michael Staggs, Fisheries Management and Habitat Protection Bureau Director, presented the adoption of Emergency Order FH-18-02(E) - revision of Chapter NR 20.20(73), pertaining to sport fishing for yellow perch in Lake Michigan. Mr. Staggs gave an overhead presentation of yellow perch numbers. He asked that the Board change the close season on the waters of Lake Michigan and its tributaries. That the close season be changed from June to closed from May 1 to June 15, extending it by two weeks. Reason for doing so is that as they studied the population, looked at the patterns of harvest, and recent spawning dates in the last few years of yellow perch in Lake Michigan they noticed a substantial amount of spawning does occur prior to the current close season which starts in June. The population of yellow perch in Lake Michigan has been steadily declining in the last ten years or so. This has been approved by the Board to go to public hearing in the spring for a permanent rule but that would not be, of course, in effect for this spring. Mr. Staggs stated the Department would like this enacted as an emergency rule.

Mr. Willett MOVED, seconded by Mr. Tiefenthaler, adoption of Emergency Order FH-18-02(E) - revision of Chapter NR 20.20(73), Wis. Adm. Code, pertaining to sport fishing for yellow perch in Lake Michigan. The order was carried unanimously by those members present.

6.B.5. Adoption of Order FR-9-02 - revision of Chapter NR 47.008(1) and 47.903(3) and (6) and creation of NR 47.75 and NR 47.905(2)(f) and (g), Wis. Adm. Code, pertaining to sustainable forestry grants for county forests and to forest fire protection grants.

Jeff Barkley, Public Forests Specialist and County Liaison, presented the adoption of Order FR-9-02 - revision of Chapter NR 47.008(1) and 47.903(3) and (6) and creation of NR 47.75 and NR 47.905(2)(f) and (g), pertaining to sustainable forestry grants for county forests and to forest fire protection grants. Mr. Barkley reviewed the background of the rule and the hearing comments. Mr. Barkley stated there wasn't a great deal of controversy on either one of these issues, the counties particularly are excited about this program.

Mr. Willett MOVED, seconded by Mr. Tiefenthaler, adoption of Order FR-9-02 - revision of Chapter NR 47.008(1) and 47.903(3) and (6) and creation of NR 47.75 and NR 47.905(2)(f) and (g), Wis. Adm. Code, pertaining to sustainable forestry grants for county forests and to forest fire protection grants. The order was carried unanimously by those members present.

6.B.6. Adoption of Order FH-16-01 - revision of Sub-Chapter II of NR 16, Wis. Adm. Code, pertaining to permit for use of a natural body of water as a fish farm

Liessa Nesta, Statewide Waterway Policy Coordinator, presented adoption of Order FH-16-01 - revision of Sub-Chapter II of NR 16, pertaining to permit for use of a natural body of water as a fish farm. Ms. Nesta reviewed the public hearing results with the Board. After a year of implementing permits for the use of natural bodies of water as fish farms the aqua culture industry has requested the Department to change the definition of natural body of water and provide more clarity in the rule about how the Department will review permit renewals. The Department has recognized the need for some minor housekeeping changes to the rule. The proposed change to the definition of natural body of water expands the existing NR 16 permit exemptions, but it is consistent with the existing exemptions for private ponds permitted under Chapters 30 and 31, Wis. Stats. and NR 299, Wis. Adm. Code. The other proposed revisions are clarifications consistent with existing policy. The Department staff recommends that the Natural Resources Board adopt the proposed revisions to NR 16 - Subchapter II.

Mr. Willett MOVED, seconded by Mr. Poulson, adoption of Order FH-16-01 - revision of Sub-Chapter II of NR 16, Wis. Adm. Code, pertaining to permit for use of a natural body of water as a fish farm. The order was carried unanimously by those members present.

Richard Steffes, Real Estate Director, Bureau of Facilities and Lands, presented the following land items:

6.B.7. Big Muskego Lake Wildlife Area land acquisition - Waukesha County.

Discussion pursued regarding the price of the land acquisition. City of Muskego contributing \$135,000 to the purchase of this property, with no lake front. There is a small piece of land to the west of this property. The appraisal was \$4830 an acre. The project was established in 1999 by this Board. There is a parcel of land between this piece of land and the lake. If turned down, Mr. Steffes suspected the owners of the land would sell to someone else. Mr. O'Brien stated that he wasn't opposed to this land purchase because of the antidevelopment but was opposed because of the expense for such a small area. Chairman Solberg stated that part of their charge as the Board is to find properties close to populations in southeastern Wisconsin. You are going to up against this price all the time in this area. Mr. Tiefenthaler stated that we would have leverage to purchase the piece adjacent to this property with lakefront.

Steve Miller, Administrator for the Land Division, stated that Big Muskego Lake has a long history of having a hunting and fishing heritage and it is a popular area for rural development not being far from Milwaukee. This project was started in part because of some rehabilitation efforts of Muskego Lake and looking at some open space protection in that area. Hunting was built into the project. As an area to go and watch wildlife, to get out of the city, as this whole area develops to have public access to habitat restoration, a number of the plans within the project boundary. They did craft a good boundary area. The minimized amount of land that we have to purchase to have a nice wildlife/habitat property is in the distant future in southeastern Wisconsin.

Mr. Tiefenthaler, the cost of \$200,000 is what makes me want to vote for this because the City of Muskego is contributing \$135,000. Mr. O'Brien, what are we providing the people for this price? Mr. Tiefenthaler, it is very close to the lake and if this lake frontage property does become available we might have a chance at purchasing it. Ms. Stepp, it is 32 acres of cropland right now and we are saying that we will have people sitting out there looking at the wildlife and the cropland? Mr. Steffes, what we will do is take half the cropland and leave it in cropland for food crop and sharecropping with a local farmer. The other half will be restored wetlands. Mr. Miller, a lot of these are already small parcels in that area and in order to complete this project it is going to be parcel by parcel. We have to combine those as they are available and keep working at a long term goal. Ms. Stepp, we are paying a lot of money for property in an area where growth is occurring and why can't we allow that growth to happen, it isn't urban sprawl that we are talking about here. Pretty soon we are buying up chunks in markets where it is a natural occurring growth area and there will be no place left for people to build houses. I understand

when we buy wetland areas and we are trying to replenish prairie grass areas, but this to me it seems we should get out of the way here. Mr. Willett, then we should revisit this boundary. This property is in the boundary, we went to public hearings on this, and if Ms. Stepp's argument holds then this whole project will need to be revisited. Mr. Behnke, not necessarily. Ms. Stepp, why do you think that? Mr. Willett, because it is in the boundary. The goal is to buy available property within the boundary. Ms. Stepp, there are some shore land properties that come up for sale and it is in that boundary, I am not objecting to that. Mr. Willett, why have a boundary if you are not going to buy within it? Ms. Stepp, I think you could if other properties, like what we have already been doing, before I started with the Board. Mr. O'Brien, I could see buying adjacent to something that we already have and making a decent piece out of it. Mr. Tiefenthaler, as property becomes available, expensive or not expensive, we need to take advantage of it. I think this one makes sense because it is very close to the lake and we will have a good chance at getting that piece.

Ms. Stepp MOVED, seconded by Mr. Behnke opposing the purchase of Big Muskego Lake Wildlife Area land acquisition in Waukesha County.

Secretary Bazzell - We are going to have a much larger issue to deal with fairly soon when we bring the land legacy plan to you. This project has gone through extensive public input. Staff again has followed up, based on Board direction, to look for opportunities to purchase land within clearly established boundaries which the Board has established. It would have been nice if the first acquisition would be lake frontage but that isn't what was available. You need to go after the areas as they are presented. If we get an opportunity in the future to acquire that frontage that we have talked about here, it is going to be too late to then add that parcel to it. It is going to have some other use. We are going to have this same issue all throughout southeast Wisconsin. We have a different dynamic, we are not going to be finding the 2,000 acre parcel for \$1500 an acre. That is not southeast Wisconsin. Part of what we talked about here, with the Board, is to make sure that we are providing opportunities for people to enjoy the outdoors, to hunt, to fish, in places close to where they live. There are so few opportunities in this area. I agree with you Ms. Stepp, there are not very many opportunities left in southeast Wisconsin. If you are looking for the same kind of conditions that we have in Shawano or Minocqua, you won't find that in this part of the state. You are always going to have the situations where you talk about high valued land, small parcels, and as we have done before in this part of the state, we always try and find partners to share the cost to offset the price. What you have here is a fairly typical transaction that you are going to find in this part of the state. I am not sure what our strategy in southeast Wisconsin is anymore.

Ms. Stepp, I am not saying that you should change your strategy. I am saying that just because something is in a project boundary doesn't mean that we need to purchase it. I am very familiar with this area. We have built quite a few houses in this area, not always new construction. We actually had to take down existing houses and build new ones there. This is a clear common sense area for growth to expand slowly and responsibly. As long as we are doing it for responsible reasons having to do with pristine or important pieces of property not just to stop growth. Mr. Willett, we do it because we had this debate where we set the boundaries and we said that we would buy everything that, if we can, are within that boundary and there is not to be development in that boundary. That is exactly right, what you are saying is right, we are saying that. But, we said that before when we set the boundary. We said that, therefore, if it is outside the boundary it is fair game for development. It shouldn't be developed within the boundary, why else set the boundary? Ms. Stepp, obviously I wasn't here then. I am sticking up for smart and responsible growth. Mr. Willett, there are certain areas within a growth area that you want as green areas or non-development areas. Everything should not be developed, everything should not be preserved. The debate was that in southeast Wisconsin there are certain areas which we will designate as areas that we will preserve and the rest is fair game. Chairman Solberg, during the establishment of 1999, there was a huge amount of public involvement in Big Muskego Lake area, a huge amount. We all knew at that time that you were talking about larger dollars for purchases for some of these properties. It is our charge and, I hear that a lot from some of the legislators in that part of the state, that how come we never spend any money there even though it does cost more. We aren't spending any money buying some properties, as much as we should, because a lot of people in that area are looking for some place to go, whether it be hunting or just in the prairie. This project, Muskego Lake, from all the townships around there, there was 100 percent unanimous support for it.

Secretary Bazzell, I would like to comment on what Mr. Willett touched on. You talk about smart growth and whether or not this land should be developed versus protected. If you think about the smart growth legislation, it is a process driven by local government. They are the ones that have to make the choice. This isn't the DNR Board or the Department of Natural Resources saying thou shalt not develop. You have a project here that is a partnership with local government. Local government has looked at the land in this area and has made a choice. They don't want to see this piece of property developed. They would like to see it protected, this is local control. This is a decision they have made. What we are doing is respecting part of the decision in part they have made. They decide they don't want this developed. If you think about smart growth legislation, it is a process driven by local government.

Mr. O'Brien, for the record, I am very concerned about spending this kind of money not per acre but because this piece doesn't seem to be like the kind of piece that we should be acquiring, even though we did set that boundary. However, I am encouraged by the fact that local government has contributed \$135,000 and for that reason I will vote to support it when that motion comes up.

Chairman Solberg asked if there was any further discussion on Ms. Stepp's motion to not purchase the Big Muskego Lake land acquisition. With no further discussion Chairman Solberg asked all those in favor of turning down the land acquisition signify by saying I. The Motion was denied with a vote of six to one.

Yes

Catherine Stepp

Opposed

Herbert Behnke

Gerald O'Brien

Howard Poulson

Chairman Solberg

James Tiefenthaler

Steven Willett

Mr. Willett MOVED, seconded by Mr. Tiefenthaler, that the Board approve the purchase of 43.62 acres from Joanne and Wayne Weber and Beverly and Alwin Ladwig for the Big Muskego Lake Wildlife Area for \$335,000 in Waukesha County, as presented. The motion was passed by a vote of six to one by those members present.

Yes

Herbert Behnke

Gerald O'Brien

Howard Poulson

Chairman Solberg

James Tiefenthaler

Steven Willett

Opposed

Catherine Stepp

6.B.8. Glacial Habitat Restoration land donation - Winnnebago County.

Mr. Willett MOVED, seconded by Mr. O'Brien the donation of 6.53 acres from Winnebago County for the purpose of the Glacial Habitat Restoration, that a certificate of appreciation be sent to the donor and that an expression of appreciation be made a part of the official records of the Natural Resources Board, as presented. The motion was carried unanimously by those members present.

7. Department Secretary's Matters.

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The Board Meeting was adjourned at 3:15 p.m.